IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA Alexandria Division

|) |
|--------------------------|
|) CRIMINAL NO. 1:19CR334 |
|) |
|) |
| |

DEFENDANT'S MOTION FOR RELEASE

COMES NOW the Defendant, Tao Liu, by counsel, and moves this Honorable Court to grant his release from custody with conditions set by this Court, and in support of this Motion states the following:

- 1. Mr. Liu is currently detained at the Alexandria Detention Center. The defendant was arrested pursuant to a federal warrant and has been detained since October 14, 2020. He was arrested pursuant to a Superseding Indictment. The charges largely revolve around Mr. Liu and others allegedly being involved in the laundering of money, and attempts to obtain identifications through bribery. There are no allegations of violence with respect to Mr. Liu.
- 2. Mr. Liu's initial appearance occurred in the territory of Guam. His detention hearing was waived and he was transported to this district by U.S. Marshals and federal agents. On October 19, 2020, Mr. Liu appeared before Judge Micheal S. Nachmanoff via Zoom. The Defendant was advised of his rights and Attorney Mark Trash was appointed as defenses counsel. Mr. Liu was remanded to custody. A detention hearing was scheduled for October 21, 2020.
- 3. On October 21, 2020 the defendant appeared before Judge Nachmanoff via Zoom. Mr. Liu, through counsel, waived his detention hearing and an Order of Detention was entered. Mr. Liu has been continuously held in custody since his arrest in Guam. He was arraigned on October 27, 2020.
- 4. On December 16, 2020 this Court entered an Order of Substitution granting Mr. Liu's request that the undersigned be allowed to enter his appearance as counsel of record.
- 5. On January 26, 2021, defense counsel and other parties appeared via teleconference before this Court. The parties set a date of August 23, 2021 as the trial date. Mr. Liu is still being housed at the Alexandria Detention Center.
- 6. Since Mr. Liu's last waiver of his detention hearing, the undersigned has been able to identify a third party custodian that lives in Ashburn, Virginia. The custodian lives in a large single family home. He is employed as a court certified interpreter and has no criminal history. If released, Mr. Liu would be able to reside at the home of the custodian pending the outcome of this trial. The custodian is aware of the nature of the charges as well as the responsibility he would have over

Mr. Liu. This includes assurances that Mr. Liu will abide by any conditions of pre-trial release, not violate any laws, and that he will appear for all court appearances.

- 7. The U.S. Probation Office has interviewed the third party custodian. After the interview, they deemed that he was not suitable due to his lack of knowledge of Mr. Liu. However, the custodian has met Mr. Liu on at least one occasion and is a very close family friend of Mr. Liu's girlfriend and her extended family. Moreover, the custodian is otherwise suitable considering his ability to provide housing, his employment with courts, lack of criminal history, and assurances that he will be accountable for Mr. Liu. In addition, Mr. Liu has a long time friend that resides in Philadelphia. This person has also said that they would periodically visit Mr. Liu and ensure that he is compliant with all conditions.
- 8. Mr. Liu has no criminal history, nor history of drug abuse. The charged offenses are non-violent in nature and Mr. Liu's alleged involvement is centered on financial transactions. Mr. Liu was compliant and did not attempt to flee from federal agents at the time of his arrest.
- 9. Mr. Liu has a reputation of being charitable to those in need. In the past, he has volunteered to dress up as Santa Claus and provide gifts to children that may not have otherwise received anything for Christmas. He also volunteers time and money during the Chinese New Year. He works with different associations in New York City to provide services and monetary resources that are needed in the community.
- 10. Since his detention at the Alexandria Detention Center, Mr. Liu has been kept in administrative segregation, which equates to solitary confinement. He is released for a "break" for approximately two hours each day. During this short period, he is allowed to make phone calls, walk for exercise, and watch television. Mr. Liu does not speak English and is unable to communicate with others while detained.
- 11. Mr. Liu is the father of four (4) children. This includes a child with his longtime girlfriend who resides in New York City. They have a two year old daughter together.
- 12. Mr. Liu was born in China, but he has spent a significant amount of time in the United States. He has ties to this country that include his girlfriend, child, friends, and membership in various charitable organizations.
- 13. Mr. Liu is 46 years old and suffers from both diabetes and poor blood pressure. Both health conditions are known to cause complications if someone were to contract the deadly Covid-19 virus. His blood pressure condition is so chronic that he takes medicine to control it. Mr. Liu's inability to speak English has been a barrier to him receiving proper medical attention while detained.
- 14. Mr. Liu's eldest daughter is currently experiencing health issues and has required hospitalization recently. Due to restrictions, Mr. Liu has been unable to have any contact with his daughter. He is very concerned about her health and is distraught that she is ill.

WHEREFORE, Mr. Liu respectfully requests that this court release him from the Alexandria Detention Center and place him on GPS monitoring and supervision while living with the identified the third party custodian in Ashburn, Virginia.

Respectfully Submitted, Tao Liu By counsel

/s/

Jonathan A. Simms, Esq. The Simms Firm PLC 11325 Random Hills Road Suite 360 Fairfax VA 22030

Ph: (703) 383-0636 Fax: (703) 225-3333 jsimms@simmsfirm.com

CERTIFICATE OF SERVICE

I hereby certify that on February 9, 2021 I will electronically file the foregoing pleading with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

David Peters, Esquire Mary Daly, Esquire Assistant United States Attorney United States Attorney's Office Eastern District of Virginia

Phone: (703) 299-3700

Jonathan A. Simms, Esq The Simms Firm, PLC

11325 Random Hills Road Suite 360 Fairfax, Virginia 22030 (703) 383-0636 (703) 995-0850 (Fax) jsimms@simmsfirm.com